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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,853	07/18/2000	Thomas Lenz	76138/111	8635
7590	12/02/2005		EXAMINER TO, TUAN C	
Proskauer Rose LLP Patent Department 1585 Broadway New York, NY 10036			ART UNIT 3663	PAPER NUMBER

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 14

Application Number: 09/618,853

Filing Date: July 18, 2000

Appellant(s): LENZ ET AL.

\_\_\_\_\_  
Charles Guttman  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 05/29/2003.

1. Real Party in Interest

Acknowledgment of appellant's identification of a Real Party in Interest  
in the brief.

2. There are no related appeals and interferences identified in the brief.

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The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal. Therefore, it is presumed that there are none. The Board may, however, exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

3. Status of Claims

The statement of status of claims contained in the brief is correct. Claims 1-9 stand rejected under 35 U.S.C 102(a) as being unpatentable over Schramm et al. (U.S. 5884719).

4. Status of Amendments

The appellant's statement of the status of amendments contained in the brief is correct.

5. Agreement With the Summary of Invention

The summary of invention contained in the brief is correct.

6. Issues

The appellant's statement of the issues in the brief is correct.

7. Grouping of Claims

The appellant's statement of grouping of claims is correct.

8. Reference to Rejection in Prior Office Action

Claims 1-9 are rejected under 35 U.S.C. 102(a). This rejection is fully set forth in prior Office action, Paper No. 11.

9. Response to Applicant's Arguments

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The independent claim 1 cites the following: "In a vehicle equipped with an ASR system and operating in a rear wheel drive mode, a method for adjusting the normal drive slip value of the ASR system, comprising:

(a) evaluating dynamic values associated with the front wheels of the vehicle,  
and

(b) if the dynamic values associated with the front wheels exceed a threshold value, increasing the normal drive slip value of the rear wheels".

The reference No. '719 to Schramm et al. has been cited as disclosing an apparatus and method for providing the traction in term of determining the desired slip value. The main object of said patent is to determine the desired slip as a function of the driver's command. According to the teaching of the Schramm et al., the desired slip is increased based on the increasing of driver's command. The important point that either the invention or the patent focus on is to provide the system and method that determines the desired slip in order to provide great traction when the vehicle is traveling on a mountain road or is traveling on a surface with low coefficient.

Claim 1 of the present invention primarily recites the following: "In a vehicle equipped with an ASR system and operating in a rear wheel drive mode, a method for adjusting the normal drive slip value of the ASR system, comprising: (a) evaluating dynamic values associated with front wheels of the vehicle". It should be noted that said dynamic values could be the vehicle speed, velocity or acceleration. All of them are important quantities known and are related to the motion of the vehicle. Schramm

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et al. discloses the speeds of the non-driven wheel and the desired drip value is greatly dependent on the deviation of the non-driven wheel speeds.

According to the applicant, Schramm et al. discloses that the desired value of the drive slip is adjusted as a function of the position of the gas pedal or the engine RPM's. And said "This completely misses the point of the present invention wherein the normal drive slip value of the rear (driven) wheel is adjusted, not based on the position of the gas pedal or engine RPM's, but based on the wheel behavior (wheel dynamics) of the front (non-driven) wheels of the vehicle. The important is the disclosures of Schramm et al. not only disclose the desired slip value of the rear wheels is adjusted based on the position of the gas pedal but also disclose the desired slip value of the rear wheels is adjusted based on the speed of the non-driven wheels (see Schramm et al's, column 3, lines 28-36). In addition, studying the dynamic value as recited in the claim, one artisan in the art has realized that the dynamic values are also dependent on the position of the gas pedal. Thus, Schramm et al. further explain the other component such as the gas pedal that driver may push more or less while traveling on a typical road. The dynamic values as said above can be changed from the act of pushing more or less the accelerator pedal.

The applicant argues that the reference to Schramm et al. discloses a system that differs from that of the claimed invention in which adjustment of the permissible drive slip value depends on monitoring the dynamic behavior of the front (non-driven) wheels of a vehicle. The argument is not persuasive because Schramm et al. point out the following which: "the speeds of the non-driven wheels are sent to reference value

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former 28, which calculates a reference velocity  $V_{FZG}$  for the drive slip control by averaging the two wheel speed signal values. In comparators 32, 36, the speeds of the drive wheels are compared with the reference velocity which has been found to determine the actual drive slip at the drive wheels of the vehicle". From that teaching, an ordinary skill in the art would understand Schramm et al. disclose the system and method that comprises the step " if the dynamic values associated with the front wheels exceed a threshold value, increasing the normal drive slip value of the rear wheels".

The applicant responds to the art rejection on claim 2 and 5 by arguing that the examiners stated "the speed of the non-driven wheels are inputted in the first step of determining the desired drive slip." The applicant asserts that claim 2 does not refer to "the speed" of the wheels. Rather, claim 2 refers to "the acceleration values" of the front wheels". The examiner disagrees with the arguments that patent disclose the speed of the wheels instead of the acceleration of the wheels because in physics, the speed, acceleration or velocity are well known and each quantity is totally related or it can be computed from the others. According to the Microsoft Bookshelf's Basics Dictionary, the acceleration is a rate of change of velocity with respect to time and velocity is a vector quantity whose magnitude is a body's speed and whose direction is the body's direction of motion. Thus, the acceleration of the wheels is inherently existed in Schramm et al.

In light of the discussion above, the cited reference to Schramm et al. teaches every aspect of the claimed invention explicitly.

10. Claims 1-9 stand in rejected.

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11. The information disclosure statement filed 08/18/1999 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

13. The IDS filed on 07/18/2000 has been considered by the examiner. A copy of form 1449 with the examiner's initial has been attached to this office action.

14. Examiner's Answer, Conclusion:

For the above reasons, it is believed that the rejections should be sustained.

Conferees:

Mr. Tuan C To (Examiner)

Mr. Keith, Jack (S.P.E)

Mr. Zanelli, Michael (Primary Examiner)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/tc

November 14, 2005

  
JACK KEITH  
SUPERVISORY PATENT EXAMINER